

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

KC FILED

08CR
UNDER SEAL

0085

v.

JAN 31 2008

JOHN ABNEY

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CRIMINAL COMPLAINT

CASE NUMBER:

MAGISTRATE JUDGE DENLOW

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 27, 2007 in Cook county, in the Northern

District of Illinois defendant(s),

through the use of the telephone, willfully made a threat and maliciously conveyed false information knowing the same to be false, concerning an alleged attempt to be made to kill, injure and intimidate an individual and unlawfully damage and destroy a vehicle by means of an explosive,

in violation of Title 18 United States Code, Section(s) 844(e)

I further state that I am a(n) Task Force Officer, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

January 31, 2008 at
Date

Chicago, Illinois
City and State

MORTON DENLOW, U.S. Magistrate Judge
Name & Title of Judicial Officer

Morton Denlow
Signature of Judicial Officer

STATE OF ILLINOIS)

COUNTY OF COOK)

SS

UNDER SEAL

I, Thomas LaPak, being duly sworn under oath, state as follows:

Affiant's Background and Experience

1. I have been employed as a police officer with the Hoffman Estates Police Department since August 2001. Since February 2004, I have been assigned to act as a Task Force Officer ("TFO") with the United States Immigration and Customs Enforcement ("ICE"), the Department of Homeland Security. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code.

2. This affidavit is submitted in support of an application for an arrest warrant for violations of Title 18, United States Code Section 844(e).

3. This affidavit is based on my personal knowledge, as well as information obtained from law enforcement officials and other witnesses. This affidavit does not contain all of the information known to me regarding this investigation, but contains only those facts believed to be necessary to establish probable cause in support of an application for the arrest warrant.

Background of the Investigation

4. On or about November 13, 2007, officers from the Hoffman Estates Police Department conducted a "wellness check" at 1910 N. Lakeside Plaza, Hoffman Estates, Illinois after receiving a telephone call from an individual who identified himself as John Abney. During that telephone call, Abney stated he wanted officers to check on his injured father. Abney further stated that he had kicked his father in the head. Shortly thereafter, John Abney contacted the Hoffman Estates Police Department again and stated that he was going to "shoot and kill" any police officers who went to the address Abney had given for his father's residence in Hoffman Estates, Illinois. Officers then went to the address Abney gave and spoke with Abney's father. The father was uninjured and stated that his son, John Abney, was currently residing in the state of Arizona.

5. The next day, on or about November 14, 2007, the same male individual, later identified as Abney, placed several telephone calls to the Hoffman Estates Police Department non-

emergency telephone number. All of the telephone calls were recorded. During those phone calls, Abney made several threats to Hoffman Estates police officers.

6. On or about November 15, 2007, a detective with the Hoffman Estates Police Department interviewed Abney's father. Abney's father stated that he and his wife drove John Abney to Scottsdale, Arizona approximately three weeks prior. The father stated that his son, John Abney, is a former Mesa, Arizona police officer but is currently unemployed. The father stated John Abney suffers from a serious drug addiction.

7. On or about November 15, 2007, the same detective also interviewed John Abney's mother. The mother stated her son has a serious drug addiction. The mother also reported that she and her husband recently decided that they should no longer financially support their son. The mother reported that on November 13, 2007, she and her husband received numerous telephone calls from John Abney requesting financial support. The mother stated that they refused to answer the incoming telephone calls. The mother stated that shortly thereafter, the Hoffman Estates Police Department arrived at their house to check on her husband (John Abney's father). The mother stated that she then spoke with her son on November 14, 2007. During that conversation, John Abney admitted to calling in a false alarm to the Hoffman Estates Police Department because she and her husband would not answer his telephone calls.

8. The mother stated that approximately three weeks before the interview, she and her husband drove John Abney to the Scottsdale, Arizona area. The parents then took a flight back to the Chicagoland area and left John Abney in Arizona with their vehicle.

9. On November 27, 2007, a detective with the Hoffman Estates Police Department received the recorded November 13, 2007 conversations between John Abney and the Hoffman Estates Police Department. The detective contacted one of John Abney's family members and asked that individual to listen to the recordings. Abney's family member immediately identified the male caller as her brother, John Abney.

10. On November 27, 2007, based on the November 13, 2007 phone calls, a warrant was issued by a judge in the Third District of Cook County, Rolling Meadows, for the arrest of John Abney.

11. On December 27, 2007, between approximately 12:00 a.m. and 1:39 p.m., a male caller, later identified as John Abney, placed approximately 18 telephone calls to the Hoffman Estates Police Department non-emergency telephone number. All of the telephone calls were recorded. The following is a summary of only some of statements Abney made during the December 27, 2007 telephone calls:

a. Abney stated: "Could you let the officer know who arrested me and put the warrant out for me that I'm back in town for the holidays and I'm gonna shoot his two-year old daughter in the fuckin' head. I just want him to know it's coming [inaudible] when she's dead."

b. Abney stated: "I'm in the White Castle across the street . . . I put a pipe bomb underneath one of the cars in the parking lot there . . . I'm gonna kill one of you fuckers."

c. Abney also stated "you're gonna get a fuckin' bullet in the head. Actually, I'm gonna get his daughter. And that car's gonna blow up. It should be blowing up any fuckin' minute now."

d. Abney stated that he was following an off-duty cop. He then called back and said, "He's dead, nine to the back of the head. Have a nice night."

12. On or about December 27, 2007, a detective with the Hoffman Estates Police Department contacted AT&T Landline service and learned that the approximately 18 incoming telephone calls to the Hoffman Estates Police Department were made from telephone number (480) 430-3064. That detective searched public databases, including Entersect-Accurint, and learned that telephone number (480) 430-3064 belongs to a wireless phone in Phoenix, Arizona. The subscriber of that phone is John Abney, with a listed address of that of his parents in Hoffman Estates, Illinois.


13. On or about December 27, 2007, a detective with the Hoffman Estates Police Department compared the voices on the recordings from the November 14, 2007 and the December 27, 2007 calls to John Abney's November 13, 2007 calls. Based on that comparison, the detective

concluded that the voice on the November 14, 2007 and December 27, 2007 calls was that of John Abney.

Conclusion

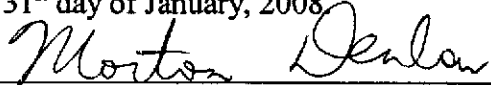
14. Based upon the foregoing, I believe there is probable cause for the arrest of John Abney in violation of Title 18, United States Code, Section 844(e).

FURTHER AFFIANT SAYETH NOT.



Thomas LaPak, TFO
Immigration and Customs Enforcement
United States Department of Homeland Security

SUBSCRIBED AND SWORN TO BEFORE ME
this 31st day of January, 2008



Morton Denlow

MORTON DENLOW
United States Magistrate Judge